

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55653 of 2017

Arising Out of PS.Case No. -85 Year- 2017 Thana -KURTHA District- JEHANABAD

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Sahida Khatoon, Wife of Md. Ashik Mian, Resident of Village/Mohalla +
P.O.-Kurtha, Police Station-Kurtha, District-Arwal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 29-11-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends her arrest in connection with
Kurtha P.S. Case No.85 of 2017 registered under Sections 306 and
328/34 of the Indian Penal Code, pending in the court of the Chief
Judicial Magistrate, Arwal.

The allegation of the informant Nasima Khatoon is that in
the morning of 28.05.2017 at about 07.00 A.M., Ashik Mian came
to her house and proposed for arrangement of the Panchayati to
solve the dispute regarding committing rape on her minor daughter
Tabassum Parveen by his son Khalid and perform their marriage.
Accordingly, the Panchayati was arranged at the house of Md.



Khurshid Malik in village-Kurtha Dih. While Khalid was ready to perform the marriage with Tabassum Parveen, the daughter of the informant, to solve the dispute but his mother Sahida Khatoon (petitioner), father, brother and two maternal uncles were not ready to obey the decision of the Panchayati. Due to that reason, the Panchayati ended without any decision. At about 09.30 P.M. in the evening, Ashik Mian, Sahida Khatoon (petitioner), Md. Sahazade, Md. Shahid Alam, Wasim Alam and the maternal uncle of Khalid entered into the house of the informant and started to abuse. Thereafter, this petitioner gave two tablets to the daughter of the informant and after taking the same she became unconscious. While the daughter of the informant was rushed for treatment to Sadar Hospital Jehanabad but she died.

Learned counsel appearing on behalf of the petitioner submits that, in fact, there was love affair in between Tabassum Parveen, the daughter of the informant, and Md. Khalid, the son of the petitioner. When such fact came to know in the society, the panchayati was arranged. Due to that reason, Tabassum Parveen, the daughter of the informant, committed suicide.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly,



the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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